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CENTRAL FAX CENTER****MAY 25 2007**Remarks

The above-referenced patent application has been reviewed in light of the Non-Final Office Action, dated February 28, 2007. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Assignee has amended claims 15, 19, 20, 28-30, 33, 35 and 40. Support for these amendments may be found in at least Fig. 3. Assignee submits that no new matter has been added.

Status of Claims

Claims 15-21 and 28-41 are pending.

Claim 15, 19, 20, 28-30, 33, 35 and 40 have been amended.

35 U.S.C. 103(a)

Under 35 U.S.C. 103(a), the Examiner rejected claims 15-17, 35-37 and 39-41 as being unpatentable over Berstis (U.S. Patent No. 6,721,001) in view of Kusada (U.S. Publ. No. 200310012559); claim 19 as being unpatentable over Berstis in view of Kusada and further in view of Ochi et al. (U.S. Patent No. 6,233,014); and claims 20-21 as being unpatentable over Berstis in view of Kusada and further in view of Haranishi (U.S. Patent No. 5,764,779). Under 35 U.S.C. 103(a), the Examiner also rejected claims 28, 29 and 34 as being unpatentable over Hashimoto (U.S. Patent No. 6,111,604) in view of Allen et al. (U.S. Patent No. (5,737,491); claim 32 as being unpatentable over Hashimoto in view of Allen and further in view of Ochi and Maxium Technologies (Internet Publication, 2000); and claim 33 as being unpatentable over Hashimoto in view of Allen and further in view of Haranishi. Although Assignee does not

concede the merits of the rejections, the present claims have been amended to expedite prosecution.

Assignee has amended all independent claims, claims 15, 28, 35 and 40 to include the limitation "voice control command." None of the combinations of art cited in the Examiner's rejection teach at least "producing a multimedia data file comprising digital image and sound information in response to a determination that said sound digital voice signal matches a voice control command," as presently claimed.

First, Assignee will address the combination of Berstis and Kusada (and in further view of Ochi or Haranishi), under which the Examiner has rejected claims 15-17, 19-21, and 35-37. Assignee submits that this combination fails to teach each element of the claims.

The Examiner admits that Berstis fails to disclose generating a multimedia data file including image and sound data in response to the voice recognition data matching the predetermined criteria. [Office Action at 5] Though the Examiner cites Berstis for using voice recognition data to generate text annotations to associate with an image [Office Action at 5], Berstis does not teach "producing a multimedia data file comprising image and sound information in response to a determination that the second digital signal corresponds to a voice control command" as presently claimed. Though the Examiner cites Kusada for teaching that "it is well known in the art to generate files consisting of image and sound data" [Office Action at 5], Kusada does not teach "producing a multimedia data file comprising image and sound information in response to a determination that the second digital signal corresponds to a voice control command," as presently claimed. Thus, the combination of Berstis and Kusada does not teach every claim limitation of claims 15-17 and 35-37, as presently claimed, and, therefore, the Section 103(a) rejection should be withdrawn. Further, Ochi and Haranishi do not appear to make up for the deficiencies in the combination of Berstis and Kusada and as such, the Section 103(a) rejection of claim 19-21 should be withdrawn.

Second, Assignee will address the combination of Hashimoto and Allen (in further view of Ochi and Maxium Technologies or Harahishi), under which the Examiner has rejected claims 28, 29, 32-35. Assignee submits that there is no motion to combine Hashimoto and Allen.

The Examiner cites Hashimoto for producing a single file for image and sound signals. [Office Action at 8]. The Examiner cites to Allen for teaching inputting audio information indictating a processing action and verbally instructing a camera to perform certain functions with image data. [Office Action at 9] The Examiner cites to "send" and "transfer" commands in Allen. [Office Action at 9] Though Allen may teach transferring or sending an image file, Allen does not teach generating a multimedia data file that also includes sound data, in response to a voice control command, as presently claimed. The Examiner cites to col. 1, lns. 57-59 of Allen for teaching that the voice commands of Allen allow faster image processing and concludes that it would have been obvious to modify Hashimoto to enter command verbally, as taught in Allen, so that processing and transmission can occur faster. [Office Action at 9] However, Hashimoto teaches that it is a camera and method of operating an electronic camera which detects whether an external device such as a personal computer is properly connected to the camera. [Abs.; col. 1, lns. 25-57: "The present inventors have sought to overcome problems pertaining to the actual connect of the camera to the external device..."] Yet, Allen teaches that it allows to faster image processing because it is NOT connected to an external device. Allen teaches that a previous slow method of transmitting image data includes downloading the image data to a portable computer (and then transmitting the image data through a telecommunication connect such as a modem for getting them to a processing station) [Allen, col. 1, lns. 18-30]. Allen teaches that it attempts to overcome the slowness of this prior method by having a built in transceiver for sending image files via a cellphone wireless transmission to a processing station – without

connecting the camera to an external device, such as a personal computer. [Allen, col. 1, lns. 34-col. 2, ln. 7] Because Allen attempts to eliminate connecting its camera to an external device, such as a computer, and Hashimoto teaches a method for detecting whether an external device, such as a personal computer, is properly connected to the camera, one of ordinary skill would not have motivation to combine Allen with Hashimoto. Accordingly, the Examiner's rejection of claims 28, 29 and 32-35 is respectfully traversed.

Assignee notes that additional distinctions between the cited art and the rejected claims exist; however, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

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**Conclusion**

In light of the foregoing, consideration and allowance of the claims is hereby earnestly requested. Consideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to Deposit Account No. 50-3703.

**Invitation for a Telephone Interview**

The Examiner is invited to call the undersigned attorney, Katherine F. Horvath, at (231) 932-7389 if there remains any issue with allowance.

Respectfully submitted,

Berkeley Law and Technology Group, LLP

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